

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:06CR3

UNITED STATES OF AMERICA,	)	
	)	SCREENING
Vs.	)	ORDER
	)	
COREY LEEVON OAKES.	)	
	)	

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**THIS MATTER** is before the court upon defendant's Motion to Suppress (#15). In accordance with Rules 12(b)(3)(C), 12(d), and 47, Federal Rules of Criminal Procedure, the court has conducted an initial screening of such motion and made the following procedural determination(s):

- The Motion to Suppress is **DENIED** without prejudice based on a lack of a jurisdictional statement as to defendant's standing to seek suppression.
- The Motion to Suppress is **DENIED** without prejudice for the lack of submission of a supporting affidavit.
- The Motion to Suppress is **DENIED** without prejudice for the lack of citation to legal authority.
- The Motion to Suppress is **DENIED** without prejudice for lack of statement of the issue presented.
- The Motion to Suppress is **DENIED** without prejudice for lack of filing a memorandum of law in support of the motion.
- The Motion to Suppress is **DENIED** without prejudice for lack of filing a copy of the challenged search warrant and affidavit.
- The government shall **FILE A RESPONSE** to defendant's motion within **FIVE (5) DAYS** of receipt of this Order. There shall be no reply brief.

The Motion to Suppress is **CALENDARED** for **ORAL ARGUMENT** only on \_\_\_\_\_, \_\_\_\_\_, 2006, at 2 p.m. in Asheville.

The Motion to Suppress is **CALENDARED** for an **EVIDENTIARY HEARING** and **ORAL ARGUMENT** on APRIL 10, 2006, at 2 p.m. in Asheville.

Defendant is advised that this is not a final Order, and any motion herein denied without prejudice may be corrected and re-filed as a new motion within five (5) days of receipt of this Order regardless of whether the pretrial motions period has expired. 28 U.S.C. § 636(b).

Defendant is further advised that the "officer's report" from which he draws his statement of facts is not contained in the court record and should be filed (accompanied by an appropriate affidavit as to admissibility) as an exhibit to his motion to suppress.

Signed: March 23, 2006

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

